

**McNAIR LAW FIRM, P.A.**  
ATTORNEYS AND COUNSELORS AT LAW

MADISON OFFICE BUILDING/SUITE 400  
1155 FIFTEENTH STREET, NORTHWEST  
WASHINGTON, DC 20005

TELEPHONE 202/659-3900  
FACSIMILE 202/659-5763

CHARLESTON OFFICE  
140 EAST BAY STREET  
POST OFFICE BOX 1431  
CHARLESTON, SC 29402  
TELEPHONE 803/723-7831  
FACSIMILE 803/722-3227

GEORGETOWN OFFICE  
121 SCREVEN STREET  
POST OFFICE DRAWER 418  
GEORGETOWN, SC 29442  
TELEPHONE 803/546-6102  
FACSIMILE 803/546-0096

HILTON HEAD ISLAND OFFICE  
31 C BOW CIRCLE  
POST OFFICE DRAWER 7787  
HILTON HEAD ISLAND, SC 29938  
TELEPHONE 803/842-3392  
FACSIMILE 803/842-3310

FEB 22 2 41 PM '93  
AUDIO SERVICE DIVISION  
COLUMBIA OFFICE  
NATIONSBANK TOWER  
1501 GERMANS STREET  
POST OFFICE BOX 11390  
COLUMBIA, SC 29211  
TELEPHONE 803/799-9800  
FACSIMILE 803/799-9804

GREENVILLE OFFICE  
NATIONSBANK PLAZA  
SUITE 601  
7 NORTH LAURENS STREET  
GREENVILLE, SC 29601  
TELEPHONE 803/271-4940  
FACSIMILE 803/271-4015

RALEIGH OFFICE  
RALEIGH FEDERAL BUILDING  
ONE EXCHANGE PLAZA  
SUITE 810  
POST OFFICE BOX 2447  
RALEIGH, NC 27602  
TELEPHONE 919/890-4180  
FACSIMILE 919/890-4180

POSTED LCT  
2-25-93  
RECEIVED

February 19, 1993

FEB 19 1993  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
Washington, D.C. 20554

Re: DAVID A. RINGER  
File No. BPH-911230MA  
ASF BROADCASTING CORP.  
File No. BPH-911230MB  
WILBURN INDUSTRIES, INC.  
File No. BPH-911230MC  
SHELLEE F. DAVIS  
File No. BPH-911231MA  
CHANNEL 2802

RECEIVED

FEB 19 1993

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In re Applications of:

DAVID A. RINGER

File No. BPH-911230MA

ASF BROADCASTING CORP.

File No. BPH-911230MB

WILBURN INDUSTRIES, INC.

File No. BPH-911230MC

SHELLEE F. DAVIS

File No. BPH-911231MA

Applications for Construction  
Permit for a New FM Station,  
Channel 280A, Westerville,  
Ohio

To: Chief, Mass Media Bureau

FEB 22 2 41 PM '93  
AUDIO SERVICES  
DIVISION

CONSOLIDATED REPLY TO OPPOSITIONS

Ohio Radio Associates, Inc. ("ORA"), by its attorneys, pursuant to Sections 1.45(b), 73.3584(b), and 73.3587 of the Commission's Rules, hereby submits this consolidated reply to the opposition of David A. Ringer, ASF Broadcasting Corp., Wilburn Industries, Inc. and Shellee F. Davis (hereinafter jointly referred to as "Applicants"). On January 25, 1993, ORA filed supplements to its petitions to deny and dismiss the applications of the Applicants. Applicants have each filed an opposition thereto. In support of its consolidated reply to the opposition, ORA submits the

following comments.

ORA contended in each of its petitions to deny and dismiss that the applications of the Applicants proposed short-spacing. ORA and one other applicant, Westerville Broadcasting Company Limited Partnership ("Westerville Broadcasting"), propose fully-spaced and technically suitable tower sites. Therefore, the applications of each of the short-spaced Applicants must be dismissed with prejudice. The case upon which ORA's January 25, 1993 supplement was based. John M. Salow. FCC 92-565.

WHEREFORE, in view of the foregoing, the applications of David A. Ringer, ASF Broadcasting Corp., Wilburn Industries, Inc., and Shellee F. Davis are impermissibly short-spaced and must accordingly be dismissed with prejudice.


Respectfully submitted,

MCNAIR LAW FIRM, P.A.

By:

  
Stephen T. Yaliverton

By:

  
John W. Hunter  
1155 15th Street, N.W.  
Suite 400  
Washington, D.C. 20005  
Telephone: (202) 659-3900

February 19, 1993

B:SEARCY41.FCC

**CERTIFICATE OF SERVICE**

I, Shannon G. Eubanks, a secretary in the McNair Law Firm, P.A., do hereby certify that on this 19th day of February, 1993, I have caused to be hand-delivered, mailed, U.S. mail, postage prepaid, a copy of the foregoing "Consolidated Reply to Oppositions" to the following:

Dennis Williams, Chief\*  
FM Branch  
Room 332  
Federal Communications Commission  
Washington, D.C. 20554

Arthur V. Belendui, Esquire  
Smithwick & Belendui, P.C.  
1990 M Street, N.W.  
Suite 510  
Washington, D.C. 20036  
Counsel for David A. Ringer

James A. Koerner, Esquire  
Baraff, Koerner, Olender & Hochberg, P.C.  
5335 Wisconsin Avenue, N.W.  
Suite 300  
Washington, D.C. 20015-2003  
Counsel for ASF Broadcasting Corp.

Eric S. Kravetz, Esquire  
Brown, Finn & Nietert, Chartered  
1920 M Street, N.W.  
Suite 660  
Washington, D.C. 20036  
Counsel for Wilburn Industries, Inc.

Dan J. Alpert, Esquire  
Ginsburg, Feldman & Bress, Chartered  
1250 Connecticut Avenue, N.W.  
Washington, D.C. 20036  
Counsel for Shellee F. Davis

  
Shannon G. Eubanks

\*Hand Delivery